

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEREK ARTHUR TABBERT,

Plaintiff,

v.

OPINION & ORDER

14-cv-662-jdp

MS. GIEBEL, MR. POLLARD,
MR. MUENCHOW and MR. STRAHOTA,

Defendants.

In this case, plaintiff Derek Arthur Tabbert alleges that defendant prison officials have failed to properly apply a correction to his criminal sentence. In an August 27, 2015 order, I stated that plaintiff could not bring claims for damages for this type of harm without first showing that a court or other tribunal has ruled his allegedly extra term of confinement to be incorrect. Dkt. 10, at 2. I directed plaintiff to submit an amended complaint showing that he has successfully challenged defendants' calculation of his sentence. *Id.* I also stated that "the vague nature of plaintiff's allegations makes it possible that I misunderstand what type of claim he is trying to bring in this lawsuit," and I directed plaintiff to submit an amended complaint better explaining the basis for his claims if this was indeed the case. *Id.* at 2-3.

Plaintiff was given a deadline of September 17, 2015 to file an amended complaint, and I warned him that his failure to respond would result in dismissal of this case. It is now past plaintiff's deadline, and he has not filed an amended complaint or otherwise responded to the court's order.

Accordingly, IT IS ORDERED that this case is DISMISSED. The clerk of court is directed to enter judgment and close this case.

Entered September 30, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge